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OFFICE OF PETITIONS

In re Application of	:	
Tadashi Goino	:	
Application No. 09/723,228	:	DECISION ON PETITIONS
Filed: November 27, 2000	:	
Patent No. 7,110,961	:	
Issued: September 19, 2006	:	
Attorney Docket No. 2842.01US01	:	

This is a decision on the renewed "PETITION TO EXPUNGE UNINTENTIONALLY SUBMITTED INFORMATION", filed October 24, 2006.

The petition to expunge is **DISMISSED**.

Petitioner is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition to Expunge Unintentionally Submitted Information" and should only address the deficiencies noted below. Any extensions of time will be governed by 37 CFR 1.136(a).

As set forth in MPEP 724.05, a petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:

(A) the Office can effect such return prior to the issuance of any patent on the application in issue;

(B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;

(C) the information has not otherwise been made public;

(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;

(E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and

(F) the petition fee as set forth in 37 CFR 1.17(g) is included.

Applicant filed a petition to expunge on June 14, 2006. The petition was dismissed in a decision mailed on October 2, 2006, because applicant did not submit the \$200 petition fee in full. However, subsequent to the petition being filing, but prior to the decision, the application issued into Patent No. 7,110,961 on September 19, 2006. Accordingly, the renewed petition can not be granted because the Office can not effect such return prior to issuance of the application.

The \$200 petition fee submitted on October 24, 2006 has been refunded to Deposit Account No. 16-0631.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571)273-8300
 Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions